

DOCKETED

NOV 21 2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

2125, INC.,

Plaintiff,

VILLAGE OF MELROSE PARK,  
a body politic,

Defendant.

Case No. 00 C 0680

Judge John W. Darrah

**FILED**

NOV 18 2003

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

NOTICE OF MOTION

TO: Joseph P. Roddy  
Freeborn & Peters  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

Notice of Filing

PLEASE TAKE NOTICE that on November 12, 2003, I filed with the Clerk of the United States District Court, Northern District of Illinois, the attached Motion for Leave to File, *Instantly*, Response to Village's Submission.

PLEASE TAKE FURTHER NOTICE that on November 20, 2003 at 9:00 a.m., Plaintiff will appear before the Honorable Judge Darrah, or anyone sitting in his stead, in Courtroom 1203, in the Dirksen Federal Building at 219 S. Dearborn in Chicago, Illinois, and then and there present Plaintiff's motion, at which time you may appear and be heard.

Proof of Service

The undersigned attorney hereby certifies that, on November 12, 2003, copies of this Notice of Motion, Motion for Leave to File, *Instantly*, Response to Village's Submission, as well as the Response to Village's Submission Pursuant to Court Order of October 7, 2003, were served upon the attorney named above at the address given above via United States Post, proper postage prepaid.

Deidre Baumann  
Three First National Plaza, Suite 3700  
Chicago, IL 60602  
(312) 558-3119

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11/2/03  
MICHAEL W. DOBBINS  
-ARK, U.S. DISTRICT COU.

**MOTION FOR LEAVE TO FILE, *INSTANTER*,  
RESPONSE TO VILLAGE'S SUBMISSION**

NOW COMES Plaintiff's counsel in the above-captioned case and respectfully requests that this Court permit the filing, *instanter*, of her Response to Village's Submissions Pursuant to Court Order of October 7, 2003. In support of this request, counsel states as follows:

1. On October 7, 2003, this Court entered an Order whereby Defendant was to submit, within fourteen (14) days, its detailed billing statement, and Plaintiff was to reply within seven (7) days thereafter, that is, by October 28, 2003.

2. While Defendant indeed filed its detailed billing statement by October 21, 2003, Plaintiff's counsel did not receive it until the following week, that is, until on or about October 27, 2003. Counsel for Plaintiff had requested of Defendant that it send the submission, *via* facsimile transmission. Defendant failed to honor this request and instead, put the document in the regular mail.

3. By the time counsel received Defendant's submission, she was in the middle of trial preparation for *Harris v. Nikeas*, Case No. 00 M2-1562, which was scheduled to commence on November 3, 2003 and continue through approximately November 7, 2003; the case settled

on November 3, 2003. Moreover, counsel had to file, on or before November 7, 2003, a Petition for Leave to Appeal to the Illinois Supreme Court in *Freimark v. Illinois Masonic*, Circuit Court No. 01 L 62009. Counsel thereafter immediately turned her attention to the instant matter.

4. Fairness would suggest that since Defendant received two full weeks to submit its submission, having already failed to submit appropriate documentation with its Fee Petition, that Plaintiff be afforded similar courtesy. It was particularly difficult to respond to Defendant's submission because of the way in which Defendant billed its fees (*i.e.*, block-billing, failure to identify subject matter, duplication in tasks, charging of non-compensable time).

WHEREFORE, Plaintiff's counsel respectfully requests that this Court permit her to file, *instantly*, the attached Response to Village's Submission Pursuant to Court Order of October 7, 2003, which includes a Declaration of Counsel, or enter such further relief as this Court deems just.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deidre", with a long horizontal line extending to the right.

By: Deidre Baumann

Baumann, Shuldiner & Lee  
70 West Madison, Suite 3700  
Chicago, IL 60602

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